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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,809	04/13/2004	Javier Pueyo Molina	Q80842	3470

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EXAMINER

BEACH, THOMAS A

ART UNIT PAPER NUMBER

3671

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/822,809	Applicant(s) MOLINA ET AL.	
	Examiner Thomas A. Beach	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-10 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/13/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Vinas Peya 5,918,391 view of Livesay et al 5,423,138. Vinas Peya '391 shows a coupling for a tooth of earth-moving machines, of the type which comprise projecting lugs on the tooth configured to coupled in matching seating of the tooth holder and a transverse seating for a pin, having the lugs 28/29 of the tooth longitudinally have stepped guides on upper and lower edges of the lugs which continue in an area of attack in widened abutment regions to obtain greater reinforcement combined with matching profiles of the stepped guides and widened regions in a body of the tooth holder and with an internal projecting abutment arranged in at least one of the lugs, configured to be guided in an internal part of a corresponding straight guide of the tooth holder, the abutment, after mounting of the tooth in the tooth holder, arranged to retain the pin, the pin disposed in a pin seating provided in a generally arrangement in the body of the tooth holder. Vinas Peya does not show the pin arrangement to be vertical but instead horizontal. Livesay shows a very similar tooth and holder arrangement with stepped guides having both a vertical and horizontal pin arrangements. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify, as taught by, to include.

As concerns claim 2, the combination shows widened abutment regions have a curved shape (Vinas Peya figure 13).

As concerns claim 3, the combination shows widened abutment regions are in the shape of an inclined plane (Vinas Peya figure 16).

As concerns claim 4, the combination shows widened abutment regions are in the shape of a straight step (Vinas Peya figures 5-6).

As concerns claim 7, the combination shows the lugs of the teeth have transversely a flat or curved shape.

As concerns claim 8, the combination shows in that the straight guide of the tooth holder is formed on a nose of the tooth holder for the internal abutment of the lugs of the tooth, extend for a length shorter than a total length of the nose of the tooth holder in order to obtain greater mechanical strength (Vinas Peya figures 5-6).

As concerns claim 9, the combination shows formed on a nose of the tooth holder for the internal abutment or abutments of the lugs of the tooth and extends as far as the rear end of the nose with its open end (Vinas Peya figures 5-6).

As concerns claim 10, the combination shows an arrangement of an inlet chamfer in an opening for introduction of the pin, in order to improve the mounting and disassembly of the pin (Vinas Peya figures 5-6).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

March 8, 2006



THOMAS A. BEACH
Patent Examiner
Group 3600